

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-10 are pending in the application, with 1 and 6 being the independent claims. Claims 1, 6, and 7 have been amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 1 and 3-5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al. (US Patent No. 4,328,577) in view of Sebaa et al. (WESCON/94. 'Idea/Microelectronics' Conference. Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al. in view of Sebaa et al. as applied to claim 1 above, and further in view of Mann et al. (US Patent Application Publication 2001/0013104). Claims 6-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Aagaard et al. (US Patent No 3,928,730) in view of Abbott et al. and Sebaa et al. Reconsideration of claims 1-9 is respectfully requested.

To establish a *prima facie* case of obviousness, all of the claimed features must be taught or suggested by the references and there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, MPEP Section 2142.

Applicants respectfully submit that the various combined teachings of Abbott, Sebaa, Mann, and Aagaard fail to teach or suggest the claimed invention. For example, the combination of references fails to teach or suggest an apparatus comprising, *inter alia*, a switching device that includes only one testing output data path selectably configurable to couple to only one of the primary data-paths, as recited in claim 1. Similar features are also recited in claim 6. These features are illustrated, for example, in FIGs. 1 and 2 of Applicants' disclosure.

Applicants' novel and non-obvious invention provides only one reconfigurable testing output data path as a simple approach to monitor primary input and/or output data paths. By contrast, Abbott uses a more complicated approach that requires multiple testing data paths. For example, Abbott seems to teach that its monitor 800, which the Office Action equates to Applicants' testing output data path, includes a plurality of data paths, such as the data paths 816 and the data paths 826. Abbott does not include only one testing output data path, as recited in Applicants' claims.

Therefore, assuming *arguendo*, that one would be motivated to combine these references in the manner suggested by the Office Action, the present invention would not be obvious in view of such combinations. The suggested combinations would not result in the presently claimed invention reciting an apparatus comprising a switching device that includes only one testing output data path selectably configurable to couple to only one of the primary data-paths.

The Office Action rejects claim 6 under 35 U.S.C. 103(a) based on Aagaard et. al. in view of Abbott and Sabass. As the Applicants argued above with respect to claim 1, claim 6 also recites only one testing output data path. Aagaard and Sabass similarly fail to recite this one testing output data path. Therefore, the combination of references

suggested in the Office Action would not result in the present invention, as recited in claim 6.

In view of the above arguments, it is clear that claims 1 and 6 (the independent claims) would not have been rendered obvious by the suggested combinations to one of ordinary skill in the art at the time of the invention. Therefore, claims 1 and 6 are allowable under 35 U.S.C. § 103 as being patentable over Abbott, Sebaa, Mann, and Aagaard, either alone or in combination with one another.

Claims 2-5 depend from claim 1 and claims 7-9 depend from claim 6. Therefore, claims 2-5 and 7-9 are allowable at least for the reasons claims 1 and 6 are allowable, and for the specific features recited therein.

Reconsideration and withdrawal of the rejection of claims 1-9 is requested.

Allowable Subject Matter

The Office Action indicated that claim 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants, however, choose not to rewrite claim 10 at this time.

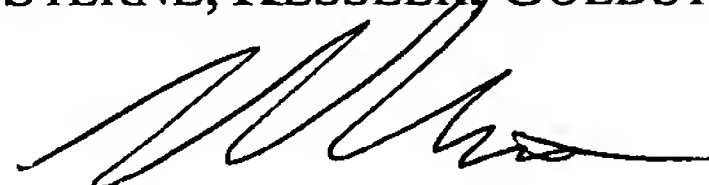
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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